

Mr. Potter offered the following amendment, to come in as section 3.

"SECTION 3. That the Comptroller and Treasurer shall give bond and security in the sum of 20,000 dollars for the faithful discharge of their duties under this act;" adopted and bill passed to a third reading.

On motion of Mr. Dancy, the rule was suspended, bill read third time and passed.

Mr. Hill introduced a bill relating to appeals and writs of error from the thirteenth Judicial District; read first time.

On motion of Mr. Hill, the rule was suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Hill, the rule was further suspended, bill read third time and passed.

A message was received from the House, informing the Senate that the House had passed a bill to prescribe the time of holding the District Courts in the second Judicial District of the State of Texas; also, that the House concurred in the amendments of the Senate to a bill supplementary to an act to provide for the erection of a State Capitol, and in the amendments of the Senate to a bill providing for the erection of a building for a Treasurer and Comptroller's department.

A bill relative to certain special liabilities, reported by the Auditor and Comptroller and confirmed by the Legislature; read third time.

Mr. Kinney offered the following amendment:

Add, "and to F. Dawson, forty thousand dollars and interest thereon, from maturity of bond No. 2, to 1st July, 1850, upon his filing said bond with the Comptroller."

Mr. Gray moved the previous question.

On motion, a call of the Senate was made, and during the call, on motion of Mr. Davis, the Senate adjourned until nine o'clock Monday morning.

MONDAY, February 7, 1853.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Rev. Mr. Fontaine—roll called—quorum present.

The Journal of Saturday was read and adopted.

Mr. Gray made the following report:

The committee on Enrolled Bills have examined and find the following bills correctly enrolled, viz:

An act to incorporate the town of Indianola ;
 An act for the relief of Jim Shaw, a Delaware Indian ;
 An act for the relief of John Conner, Delaware Chief ;
 An act changing the northern boundary of Williamson county ;

An act for the relief of the heirs of Stacy Dailey ; and,
 A joint resolution proposing an amendment to the amendment of the constitution.

All of which have been signed by the presiding officers of both Houses, and this day presented to the Governor for his action.

P. W. GRAY,

February 7, 1853.

One of the committee.

ORDERS OF THE DAY.

On motion of Mr. Taylor, a bill making appropriations for purposes therein named ; read.

On motion of Mr. Potter, a call of the Senate was ordered ; roll called and Sergeant-at-Arms despatched after absent members.

On motion of Mr. Taylor, the call was suspended.

Mr. Wilson moved to lay the bill on the table ; carried.

A bill relative to certain special liabilities reported by the Auditor and Comptroller and confirmed by the legislature, being under consideration when the Senate adjourned, under a call of the Senate.

On motion of Mr. Reaves, the call was suspended, and by leave, Mr. Gray withdrew his call for the previous question.

The amendment offered by Mr. Kinney on Saturday, was then rejected by the following vote :

YEAS—Messrs. Armstrong, Bigelow, Davis, Day, Kinney, Meusebach, Miller, Parker, Potter, Tuit and Williams—11.

NAYS—Messrs. Bogart, Burks, Dancy, Ford, Gray, Hill, Reaves, Scott, Taylor and Wilson—11.

Two-thirds not voting for it.

Mr. Armstrong offered the following amendment :

Strike out all after the enacting clause and insert, "that Stewart Perry shall have the privilege of presenting his claim to the Auditorial Board to have the same scaled according to the merits of the original claim in the manner provided for other claims, and not to be governed in the matter by the joint resolution passed in 1848 ;" rejected.

The bill was then rejected by the following vote :

YEAS—Messrs. Bigelow, Bogart, Davis, Ford, Gray, Hill, Potter and Wilson—8.

NAYS—Messrs. Armstrong, Burks, Daney, Day, Kinney, Meusebach, Miller, Parker, Reaves, Scott, Taylor, Truit and Williams—13.

A bill making appropriations for purposes therein named.

Mr. Wilson offered the following amendment :

"For a second assistant draftsman for the General Landoffice, seven hundred dollars per annum;" adopted.

Mr. Hill offered the following amendment :

"For salary of District Judge for the 13th Judicial District, \$1,750 ;"

"For salary of one District Attorney, for the 13th Judicial District, \$500 ;" adopted.

On motion of Mr. Wilson, a bill to incorporate the Colorado Valley Railroad Company was taken up, and amendments of of the House concurred in.

A bill to prescribe the time of holding the courts in the 2nd Judicial District; read first time.

On motion of Mr. Bogart, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Bogart, the rule was further suspended, bill read third time and passed.

Mr. Bogart offered the following resolution :

"*Resolved*, That each officer of the Senate be, and he is hereby allowed one dollar per day during the present session of the Legislature over and above the amount named and appropriated in the general appropriation bill of the last session, to be paid out of the contingent fund ;" rule suspended, and resolution adopted.

A message was received from the House, informing the Senate that the House had passed a bill to permit and authorize B. B. Davenport to practice law ; and,

A bill confirming the acts of J. H. Raymond, State Treasurer; also, that the House had adopted the following resolution :

"*Resolved*, That the two Houses (the Senate concurring) will go into an election at half-past three o'clock this afternoon for Commissioners under an act making appropriations to the rivers."

On motion of Mr. Bigelow, a bill to incorporate the town of San Patricio, in San Patricio county, was taken up and read first time.

On motion of Mr. Taylor, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Kinney, the rule was suspended, bill read third time and passed.

Mr. Day made the following report:

Your committee on Printing and Contingent Expenses have examined and approved the following accounts, to wit:

To P. W. Nowlin for wood,	\$42 00
" Jno. Bremond for merchandize,	4 37
" Henry Pape for water,	13 90
" J. F. Johnson for use of room for clerks,	25 00
" F. Geraud for plan of Capital, under resolution of the Senate,	250 00
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	\$334 26

All of which is most respectfully submitted,

W. S. DAY,

Chairman Contingent committee.

A bill to encourage the deepening the Anahuac Pass at the mouth of the Trinity river, with the report of the committee on Internal Improvements offering an amendment thereto, was read, and amendment adopted.

Mr. Parker offered the following amendment:

"SECTION 6. *Be it further enacted*, that should the State of Texas or the United States determine to open any of the mouths of the Trinity river for the passage of boats or other water craft, they or either of them shall have the right to do so, regardless of the right granted in this charter, in such manner and at such place as they or either of them may think proper to make such improvement, without the said Spaulding or other person under him, or in and through him becoming thereby entitled to any compensation for any obstruction, destruction or interference with any work or improvement made under the provisions of this charter."

Mr. Miller offered the following amendment to the amendment:

"*Provided*, that such improvement to be made by the State or United States shall be on some other mouth or pass than Anahuac."

On motion of Mr. Parker, the bill and amendments were laid on the table.

Mr. Gray asked leave to introduce a bill to appropriate and set apart two millions of dollars as a special school fund; leave was granted by the following vote:

YEAS—Messrs. Bigelow, Bogart, Dancy, Davis, Ford, Gray,

Hill, Kinney, Parker, Scott, Taylor, Truit, Williams and Wilson—13.

NAYS—Messrs. Armstrong, Burks, Day, Miller, Potter and Reaves—6.

The bill was accordingly read first time.

On motion of Mr. Gray, the rule was suspended and bill read second time.

On motion of Mr. Taylor, the bill was amended by striking out the 2nd section after 1853.

Mr. Armstrong moved to lay the bill on the table; lost by the following vote:

YEAS—Messrs. Armstrong, Burks, Kinney, Miller, Potter and Truit—6.

NAYS—Messrs. Bigelow, Bogart, Dancy, Davis, Ford, Gray, Hill, Meusebach, Parker, Reaves, Scott, Taylor, Williams and Wilson—14.

Mr. Hill offered the following amendment to come in at end of second section:

"For the support of common schools and for no other purpose."

Mr. Bigelow moved to amend the amendment by adding: "after the payment of the public debt;" carried by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Gray, Kinney, Miller, Parker, Potter, Reaves, Scott, Taylor, Truit and Wilson—13.

NAYS—Messrs. Burks, Dancy, Davis, Ford, Hill, Meusebach and Williams—7.

Mr. Wilson offered the following as a substitute for the amendment:

"The interest on which sum shall be appropriated to the use of common schools and for no other purpose, nor shall the principal ever be diverted to any other object;" adopted, and adopted as an amendment to the bill.

Mr. Parker offered the following amendment:

"Which shall be equally distributed to the several counties of the State according to the number of the children between the ages of six and nineteen years;" adopted.

The bill was then rejected by the following vote:

YEAS—Messrs. Bogart, Dancy, Davis, Ford, Gray, Parker, Scott, Taylor and Williams—9.

NAYS—Messrs. Armstrong, Bigelow, Burks, Hill, Kinney, Meusebach, Miller, Potter, Reaves, Truit and Wilson—11.

Your committee on Printing and Contingent Expenses, have examined and approved the following accounts, to wit:

To Theodore E. Moore for assistant engrossing clerk,	
four days at \$5 00,	\$20 00
To George Hancock for merchandize,	1 25
" B. F. Johnson, P. M. for books and postage on	
papers up to 7th February,	103 64
To F. T. Duffau for merchandize,	8 75
" J. W. Hampton for printing,	674 33

All of which is respectfully submitted, W. S. DAY,

Chairman committee on Contingent Expenses.

Mr. Day offered the following resolution:

Resolved, That the reporter to the Senate be allowed \$5 per diem, during the session of the Senate, and for two weeks after the adjournment; *provided*, it require so long a time for the publication of the remainder of the debates of the Senate, to be paid on the certificate of the Secretary out of the contingent fund of the Legislature; and further resolved, that six cents per copy of the South-Western American, be allowed the proprietors of that paper for twelve copies of each issue, to be forwarded to each Senator by the publisher, until the debates of the Senate not yet reported be published, and further, that five cents per copy be allowed the proprietors of the State Gazette for twelve copies of each issue of said paper, to be forwarded to each Senator by the publisher, until the journals of the Senate not yet printed are published. Adopted.

Mr. Gray made the following report:

The committee on Enrolled Bills have examined and find the following bills correctly enrolled, viz:

An act to incorporate the Brownsville and Rio Grande Railroad Company;

An act to incorporate the Virginia Point and Austin Railway Company;

An act to facilitate the operations of persons engaged in the United States Coast Survey in the State of Texas, under proper restrictions;

An act relating to appeals and writs of error, from the 13th Judicial District;

An act to incorporate the Cold Spring Female Academy;

An act to incorporate the Texas Orphan Asylum;

An act for the relief of Antonio Menchaca.

All of which have been signed by the presiding officers of each House, and presented to the Governor for his action.

P. W. GRAY, Chairman.

Mr. Taylor offered the following resolution :

Resolved, That the Secretary be allowed compensation for one week after the adjournment, for the purpose of arranging the business of the present session—that he forward by mail, postage paid, to each member of the Senate, the journals of both Houses, and newspapers ordered by the same as soon as published ; and also, that he approve the accounts of the several Ministers of the Gospel who have officiated as Chaplains to the Senate during the present session, at the rate of three dollars per diem, for each day they may have so officiated respectively, to be paid out of the contingent fund of the Legislature.

Mr. Davis moved to amend the resolution by striking out \$3 per diem, and inserting \$4 per diem ; lost, and resolution adopted.

Mr. Davis moved to take up the resolution of the House to go into an election for commissioners on the rivers ; carried by the following vote :

YEAS—Messrs. Bigelow, Dancy, Davis, Ford, Kinney, Miller, Parker, Potter, Scott, Taylor, Truit, Williams and Wilson—13.

NAYS—Messrs. Armstrong, Bogart, Burks, Gray, Hill and Reaves—6.

Mr. Gray moved to lay the resolution on the table ; lost by the following vote :

YEAS—Messrs. Armstrong, Bogart, Burks, Gray, Hill and Reaves—6.

NAYS—Messrs. Bigelow, Dancy, Davis, Ford, Kinney, Miller, Parker, Potter, Scott, Taylor, Truit, Williams and Wilson—13.

Mr. Gray offered the following amendment :

Strike out all after “resolved,” and insert “that the election of commissioners shall take place after the people approve the bill at the polls, on the second Monday of November next.”

On motion of Mr. Bogart, the Senate adjourned until three o'clock P. M.

THREE O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Bigelow introduced a bill making an additional appropriation for a contingent fund ; read first time.

On motion of Mr. Bigelow, the rule was suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Bigelow, the rule was further suspended, bill read third time and passed.

Mr. Taylor made the following report:

The committee on Contingent Expenses have examined and approved the following accounts:

To C. L. Mann as assistant enrolling clerk of the Senate, five days,	\$25 00
To Anderson, as assistant enrolling clerk of the Senate, one day,	5 00
To H. H. Haynie, as assistant enrolling clerk of the Senate one day,	5 00
To A. H. Cook for putting locks on doors of the Senate chamber,	2 50
To amount paid by W. D. Miller for porter hire,	6 00
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	\$43 50

All of which is submitted, M. D. K. TAYLOR,

One of the committee on Contingent Expenses.

Mr. Gray made the following report:

The committee on the Judiciary return to the Senate the following bills, which have been either acted on by other bills or referred too late to be properly considered, viz:

Bills concerning the 3d and 9th Judicial District;

Bill to prevent locations in Peters' Colony;

Bill to authorize the issuance of a patent for survey to Geo. Robinson;

Bill for relief of the creditors of the German Emigration Company; for the relief of Fisher and Miller; and, resolution requiring an investigation of the validity of certificates issued to Fisher and Miller; and,

A bill concerning writs of error.

P. W. GRAY, Chairman

Mr. Miller made the following report:

A majority of the committee on the penitentiary, to which was referred "a joint resolution concerning divine service in the penitentiary," direct me to report back to the Senate, and ask to be discharged from its further consideration, as they have not time to consider it properly at this late period of the session.

S. A. MILLER, Chairman.

On motion of Mr. Dancy, the report was laid on the table and resolution taken up, and on motion, the resolution was laid on the table.

The yeas and nays were then called on the amendment offered by Mr. Gray to the resolution of the House, relative to going into the election of commissioners on the improvement of the rivers, and were as follows:

YEAS—Messrs. Armstrong, Bogart, Gray and Hill—4.

NAYS—Messrs. Bigelow, Dancy, Davis, Day, Ford, Kinney, Miller, Parker, Potter, Scott, Taylor, Truit, Williams and Wilson—14.

Mr. Gray offered the following amendment:

Add to the resolution, "and the commissioners elected shall be entitled to \$5 00 per diem, for their services in electioneering for the river bill, in their respective districts."

Mr. Potter moved to amend the amendment by adding "and that Senator Gray be one of said commissioners;" accepted by Mr. Gray, and the amendment was rejected by the following vote:

YEAS—Messrs. Armstrong, Bogart, Gray and Hill—4.

NAYS—Messrs. Bigelow, Dancy, Davis, Day, Ford, Kinney, Miller, Parker, Potter, Scott, Taylor, Truit, Williams and Wilson—14.

Mr. Hill offered the following amendment:

"Which commissioners shall be considered as having been elected after the bill creating their office, shall have taken effect; lost.

Mr. Hill moved to lay the resolution on the table; lost.

Mr. Hill moved to refer the resolution to the committee on Internal Improvements; lost by the following vote:

YEAS—Messrs. Armstrong, Bogart and Gray—3.

NAYS—Messrs. Bigelow, Dancy, Davis, Day, Ford, Hill, Kinney, Miller, Parker, Potter, Scott, Taylor, Williams and Wilson—15.

Mr. Hill moved to reconsider the vote just taken.

Mr. Parker moved the previous question.

Mr. Hill moved a call of the Senate; carried.

On motion, the call was suspended; and, on motion of Mr. Taylor, the resolution was laid on the table.

Mr. Ford made the following report:

The committee on Enrolled Bills report the following bill correctly enrolled, viz:

An act to incorporate Bastrop Academy.

Which has been signed by the presiding officers of both Houses, and presented to the Governor for his action.

JOHN S. FORD,

One of the committee.

A bill supplementary to an act to prohibit Assessors and Collectors of Taxes from exercising official functions before they are duly qualified, approved September 5th, 1850; read first time.

On motion of Mr. Taylor, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Taylor, the rule was further suspended, bill read third time and passed.

Mr. Ford moved to take up the motion to reconsider the vote which rejected a bill to authorize the payment by the Treasurer of the State, the amount allowed by a certificate of the Auditor and Comptroller therein named.

On which motion, the yeas and nays were as follows:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Dancy, Davis, Ford, Hill, Kinney and Potter—9.

NAYS—Messrs. Day, Gray, Miller, Scott, Taylor, Williams and Wilson—7.

No quorum voting.

A message was received from the House, informing the Senate that the House had passed a bill making an additional appropriation for a contingent fund; and,

A bill to extend the provisions of an act to provide for ascertaining the debt of the late Republic of Texas; with amendments.

On motion of Mr. Bigelow, the Senate concurred in the amendments to the above bill, by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Bogart, Davis, Day, Ford, Hill, Kinney, Parker, Potter, Taylor, Truit, Williams and Wilson—14.

NAYS—Messrs. Dancy, Gray, Miller and Scott—4.

On motion of Mr. Taylor, a bill confirming the acts of J. H. Raymond, State Treasurer; read first time.

On motion of Mr. Taylor, the rule was suspended, bill read second time and passed to a third reading.

On motion of Mr. Taylor, the rule was further suspended, bill read third time and passed.

Mr. Day offered the following resolution:

Resolved, That the thanks of the Senate be, and the same are hereby tendered to the Hon. James W. Henderson, President of the Senate, for the able, dignified and impartial manner in which he has discharged the duties of the chair during the present session. Adopted unanimously.

On motion of Mr. Taylor, a committee was appointed to wait on the House of Representatives and inform that body that the Senate was ready to adjourn *sine die*. Messrs. Taylor, Hill and Wilson were appointed said committee.

Mr. Gray made the following report:

The committee on Enrolled Bills find the following bills cor-

rectly enrolled, which have been signed by the presiding officers of each House and were presented to the Governor this day for his action, viz:

A bill making an additional appropriation for the contingent fund;

A bill to incorporate the Colorado Valley Railroad Company;

A bill to extend the provisions of an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848." P. W. GRAY,

One of the committee.

A committee from the House, informed the Senate that the House was ready to adjourn *sine die*.

The Journal of to day was read and adopted.

A motion having been made by Mr. Parker and carried, to adjourn *sine die*, the President rose and delivered the following address; and then pronounced the Senate adjourned *sine die*.

SENATORS: Before the motion is put that the Senate stand adjourned, without day, permit me, as the presiding officer of this body, to express those feelings of gratitude with which I am so deeply affected, arising from the fact that my connexion with you as your presiding officer, has been a pleasing one, as manifested by the resolution which you have passed, and that I have, on all occasions, received your aid in the performance of my duties, which have been at times of the most delicate and perplexing character. In every instance, I have been favored with your generous assistance in enforcing the rules and disposing of the business of the Senate; and this too, very often at the expense of interests warmly advocated by Senators in the discharge of the duties imposed upon them as representatives of their particular constituencies.

I have had, Senators, too much experience as a presiding officer not to know that it is out of the power of any one in that position to give entire satisfaction. His decisions will often come in conflict with the views of individual members in the advocacy of the interests committed to them by their constituents. But whenever such has been the case in this body, I have, on all occasions, I am happy to say, received the aid of each and every member of this Senate.

For that aid, and the uniform courtesy you have extended, please receive my warmest thanks; and, Senators, as we are now about to part, and our official connexion to cease, perhaps forever, permit me to assure each and every one of you, collect-

ively and individually, I entertain the warmest feelings of friendship; and it is the feeling of my heart that in whatever station you assume on your retirement to your respective callings, the approbation of a common constituency and that of your own minds that you have performed your duty, may follow you. For your individual prosperity and happiness you have my warmest wishes.

I now take leave of you by declaring the Senate adjourned without day.

N. B. The following memorandum by the President of the Senate, is, by his order, appended to the journal, viz:

The bill to be entitled an act to incorporate the New Orleans, Texas and Pacific Railroad Company, was presented to me on the 8th of February, 1853, at half past 12 o'clock, duly certified by the Chief Clerk of the House of Representatives, as having passed the House of Representatives, and duly certified as having been correctly enrolled by B. B. Cannon, one of the Enrolled committee of the House of Representatives; which bill was also signed by David C. Dickson, Speaker of the House of Representatives. The bill was then signed by me at half-past twelve o'clock the day after the adjournment.

JAMES W. HENDERSON,
President of the Senate.